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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. (S) No. 2085 of 2007

Petitioner : Durgawati Pandey,
W/o Shri V. K. Pandey,
Aged About 56 Yrs.
R/o Near Shyam Talkies Shanichari
Bazar, Bilaspur (C.G.)

Versus

Respondents : 1. State of Chhattisgarh,
Through : Its Secretary,
School education, D.K.S. Bhawan,
Raipur (C.G.)
2. District Education Officer,
Composite Building, Bilaspur (C.G.)
3. Principal,
St. Joseph H.S. School, Link Road,
Bilaspur (C.G.)

Shri Prakash Tiwari, Advocate for the petitioner.

Miss Sunita Jain, Panel Lawyer for the respondents.

ORDER

(Passed on this 8th day of May, 2007)

1. The petitioner has filed this petition for seeking, quashing of the orders dated 1.3.2006 (Annexure P/1) and 10.3.2006 (Annexure P/2) passed by the respondents No. 2 and 3, respectively, whereunder the representation of the petitioner was considered and decided, in accordance with law, in compliance of the order dated 6.1.2006 (Annexure P/5) passed by this Court in W. P. No. 647/2002.
2. Learned counsel appearing for the petitioner submits that the petitioner was appointed as Teacher to teach Sanskrit subject, by oral order of the respondent No.3. Thereafter, she was removed after a period of 9 years by oral order. According to the petitioner, neither appointment order nor removal order was passed. The services of the

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petitioner was removed without following the principles of natural justice, as such the removal of the petitioner is bad in law and illegal.

3. The contention of learned counsel for the petitioner is that the orders impugned, passed on the representation, are bad on account of the fact that the reasons stated in the impugned orders are not sustainable, as the petitioner has continued to perform her duties as teacher for 9 years.
4. The respondent No.2 has categorically stated in the order dated 1.3.2006 (Annexure P/1) that the school in which the petitioner was serving as Sanskrit Teacher, is a Government aided school. The petitioner was not appointed against sanctioned post but she was appointed as additional teacher and her monthly pay was paid by the institution, itself. As per the report of the enquiry committee, constituted by the institution, the continuation of the petitioner, as teacher, was not found fit in the interest of the institution.
5. Be that as it may, the services of the petitioner was never regularized and she was engaged on contract basis for academic session, allegedly, by oral order.
6. In view of the settled position of law as enunciated by a Constitutional Bench of the Supreme Court in the case of **Secretary, State of Karnataka and others Vs. Umadevi¹** which was followed later on in various decisions by the Supreme Court, viz. **Accounts Officer (A&I) A.P.SRTC and others vs. P. Chandra Sekhara Rao and others²**, **Surinder Prasad Tiwari vs. U.P. Rajya Krishi Utpadan Mandi Parishad and others³**, **Nagar Mahapalika (now Municipal Corpn.) vs. State of U.P. and others⁴** and **U.P. State Road Transport Corporation vs. Man Singh⁵**, daily rated, temporary or ad hoc or contract appointees have no right to the post

as their appointment was not in accordance with the constitutional scheme of the appointment and not in accordance with any Rules, Regulations, as framed under the proviso to Article 309 of the Constitution of India.

7. In the present petition, appointment of the petitioner was on contract basis for academic session, allegedly, by oral order, de-hors the constitutional scheme and as such, the appointment of the petitioner came to an end.

8. For the reasons above-stated and as per the dicta laid down by the Supreme Court, the petitioner is not entitled for reappointment/reinstatement in the service.

9. This petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

1 (2006) 4 SCC 1
2 (2006) 7 SCC 488
3 (2006) 7 SCC 684
4 2006 AIR SCW 2497
5 2006 AIR SCW 5159